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ABSTRACT

This brief provides an overview of the No Child Left Behind Act and how it may be implemented in states and local communities. The brief discusses what policymakers must do to ensure that this legislation enhances rather than limits opportunities to learn, especially for Latino children. It begins with a short, recent history of the standard-based reform movement in Congress, then discusses challenges in implementing these reforms as they relate to Hispanic students. These challenges include inadequate learning opportunities (e.g., inequitable funding of high-poverty schools, unqualified teachers, ineffective parent involvement strategies, and little access to challenging curricula); inappropriate use of assessments (e.g., test inaccuracy, inappropriate educational treatments, and watered-down curricula). Recommendations for getting standards-based reform right for Hispanic students include promoting equitable resource distribution, aligning curriculum and instruction with standards and assessment, providing a high-quality teacher corps, using tests appropriately, utilizing multiple measures of student performance for making high-stakes decisions, treating special populations fairly, providing a supportive school organization and culture, and promoting active parent and community involvement. (SM)

The No Child Left Behind Act: Implications for Local Educators and Advocates for Latino Students, Families, and Communities

By Raul González*

OVERVIEW

No issue is of greater importance to the Latino** community than the education of its children. For this reason, educators and advocates for Latino students are paying particular attention to how education policy can be influenced to increase the achievement and attainment of Latinos. While federal policy-making receives a great deal of national attention, a significant

number of education policy decisions are made at the local level. Additionally, it is certain that federal mandates shape local decision-making, which means that advocates have a critical role to play in ensuring that federal policies are implemented in a way that improves schooling for Latino children. However, details about federal legislation and policies are not always available to local-level educators and advocates.†

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** The terms "Hispanic" and "Latino" are used interchangeably to identify persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

† In this issue brief, "educators" refers to public school teachers and other personnel, such as counselors, who work directly with students and families. "Advocates" refers to community-based organizations and individuals who work on behalf of Latinos.

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To fill this information gap and to provide educators and advocates for Latino students and families with information they can use to shape policy, the National Council of La Raza (NCLR) will produce a series of issue briefs on key issues in education. These include the No Child Left Behind Act (NCLB) and key education reform issues, such as standards-based reform, testing, and bilingual education. This first issue brief examines how the NCLB may impact Latino students, families, and communities at the state and local levels and outlines opportunities for advocates.*

In this issue brief, NCLR attempts to provide a backdrop for how the NCLB may take shape in states and local communities by discussing what policy-makers must do to ensure that this legislation enhances rather than limits opportunities to learn, especially for Latino children. Understanding that some of the specific provisions of the NCLB are technical in nature and warrant in-depth discussion, this issue brief paints a broad picture of what local educators and advocates must consider as the NCLB is implemented in their communities. Specifically, this paper:

- Provides a short, recent history of the standards-based reform movement in Congress
- Discusses challenges in implementing these reforms as they relate to Hispanic students
- Provides guidelines for policy-makers and school administrators

- Identifies areas of advocacy for local educators and advocates

THE EVOLUTION OF STANDARDS-BASED REFORM

The Elementary and Secondary Education Act (ESEA) is the federal law related to education in grades pre-kindergarten through 12.

Because nearly every school district in the United States receives funding through ESEA programs, this legislation often sets the tone for state and local education reforms. Title I of the ESEA is the most significant section of the ESEA because it is the single largest source of federal funding for public schools. The program has undergone several revisions since its creation in 1965 and has evolved into what is now recognized as standards-based reform.

STANDARDS-BASED REFORM: A LEGISLATIVE HISTORY

The Title I program was created because poor children in this nation were not receiving educational opportunities equal to that of other children. Earlier versions of this program relied almost exclusively on providing additional resources to schools serving these students. Without real performance standards, however, these schools simply provided already low-performing students with remedial instruction. As a result, an environment of low expectations and poor results now pervades

* Future issue briefs will examine specific provisions of the NCLB in greater detail. These include assessment and accountability, bilingual education, and community and parental involvement opportunities.

many schools attended by Latino, African American, and other economically-disadvantaged students.*

As a response to the need for public school reform, Congress passed the Goals 2000: Educate America Act (Goals 2000, P.L. 103-277) and the Improving America's Schools Act (IASA, P.L. 103-382) in 1994 to encourage high standards at the state level. Passage of these laws was possible in part because of the belief that under the "old Title I," schools focused too much on providing basic services to disadvantaged students and that this strategy failed to close the achievement gap between these students and their more affluent peers.¹ The "new Title I," contained in the IASA, was designed to encourage states to raise academic standards for all students, including English Language Learners (ELLs) and children with disabilities. Specifically, the IASA required states to show that they have developed or adopted challenging standards and high quality assessments. Furthermore, schools and school districts were to be held accountable for

demonstrating that students in schools receiving Title I funds made progress as measured by the new assessments. For example, school districts and schools that did not make "adequate yearly progress" were subject to "corrective action" under that law.** The Goals 2000 program provided grants to states to assist them in developing their academic standards and student performance benchmarks.

The advent of standards-based reform represented a major shift in how the public schools intended to educate Latino students. It meant that a large number of Latino students would be exposed to rigorous curricula for the first time. At the same time, many of these students, as well as their teachers and principals, would be held accountable for meeting more challenging academic benchmarks. Although the school system can improve schooling for Latino students by raising expectations, as the next section discusses, there are certain "land mines" educators should be wary of and "conditions" that would increase their chances for success.

What are Academic Standards?

The standards-based reform movement seeks systemic improvements in the quality of schools, principally through the establishment of content and performance standards. As defined in the Goals 2000 law, content standards describe "what teachers are supposed to teach and what students are supposed to learn." Performance standards describe the levels of mastery for each content area. In the NCLB, these are "advanced," "proficient," and "basic," and are set by each state. A third set of "Opportunity-to-Learn" (OTL) standards was not included in the final version of Goals 2000. These describe the resources required of schools, districts, and states to ensure that students are being adequately prepared to meet the content and performance standards.

* In its 1998 report, *Title I in Midstream: The Fight to Improve Schools for Poor Kids*, the Citizens' Commission on Civil Rights argues that Latino and other minority children often perform at low levels due, in part, to low standards and expectations set by schools they attend.

** As contained in the IASA, adequate yearly progress meant "continuous and substantial" school and district improvement as measured by student scores on performance assessments. Corrective action included withholding of funds and reconstitution of school and school district personnel. In the NCLB, these definitions are largely unchanged. However, the corrective action provisions in the NCLB focus on improving specific areas of weakness related to a school's failure to improve outcomes for students.

NEW FEDERAL REFORMS

Earlier this year, President George W. Bush enacted the NCLB. This legislation reauthorizes the ESEA and encourages states and school districts not only to "stay the course" with standards-based reforms, but to intensify them through ambitious new requirements designed to close the achievement gap that exists between low-income, minority, and ELL students and their more affluent, White, and English-proficient peers. Achievement will be measured primarily by reading and mathematics assessments in grades three through eight. States and school districts are required to increase test score results for all students in these grades, but particularly for students at the low end of the test-score gap. Furthermore, the NCLB places particular emphasis on improving the academic achievement and English proficiency of ELL and immigrant students.

An important element of the NCLB, and one of great interest for state- and local-level educators and advocates, is the flexibility granted to state departments of education in determining how to implement the legislation, particularly the testing and accountability provisions. As the debate on the NCLB unfolded in Congress, proponents of increased flexibility argued that states should have the freedom to use federal funds for purposes they identify as important for their states.² Skeptics of this approach countered that scarce federal funds should be targeted to enhancing educational opportunities for economically-disadvantaged students and those students at the low end of the test-score gap.³ The compromise in the NCLB provides states with a set of requirements for academic outcomes,

such as those noted above. The NCLB also presents states with a framework for providing disadvantaged students with a high-quality education, including a definition of what constitutes good testing practices. As such, the NCLB contains what Congress and the Administration have identified as the elements of good schooling. However, the legislation also allows states to determine how they will implement testing and accountability systems, as well as other aspects of the law. Thus, state and local educators and advocates will have the opportunity to influence how the NCLB takes shape in local schools. The next section discusses challenges that these advocates must be aware of as they attempt to influence implementation of the NCLB.

STANDARDS-BASED REFORM AND LATINO STUDENTS: CHALLENGES TO IMPLEMENTATION

Standards-based reform rests on several assumptions. First, high standards will motivate students to improve their performance if they are challenged by rigorous academic courses. Second, this type of reform calls for the use of assessments to measure improvement and make important decisions about students. Third, standards-based reform leads to school system accountability. As such, standards-based reform implies significant changes in how school systems approach educating Latino students.

NCLR believes that this educational theory can improve schooling for Latinos, but only if policy-makers and school administrators deal with serious challenges and ensure that the conditions necessary for success are in place. If the theory is applied properly, it holds promise,

particularly if it provides greater access to learning opportunities and encourages appropriate testing practices. However, simply raising the academic bar will not improve Latino student achievement. Many variables affect whether Latino and other students can meet higher academic standards – or whether teachers can adequately provide instruction and administrators can provide the basic elements that need to be in place to meet them.

As outlined below, there are several factors that may pose barriers to proper implementation of standards-based reform as the authors of the NCLB envision it. In particular, there are two sets of significant challenges related to providing Latino students with adequate learning opportunities and with using assessments as the cornerstone of a reform strategy.

INADEQUATE LEARNING OPPORTUNITIES

Too often, Latino and other economically-disadvantaged students do not receive sufficient opportunities to meet high expectations of performance and knowledge. Some of these barriers include:

- **Inequitable Funding of High-Poverty Schools.** Students must be provided the quality of instruction, resources, and facilities necessary to meet the new standards. Unfortunately, these conditions exist in few school systems, and are especially rare in those with large low-

income and minority populations. In fact, school districts with the largest concentration of economically-disadvantaged students spend about \$1,000 less per student, on average, than districts with few poor students.⁴

■ Little Access to Challenging

Curricula. Latino and African American students are less likely than Whites to be placed in education tracks with rigorous curricula that adequately prepare them to meet performance and content standards and go on to college.⁵ For example, about one in five Latino and African American eighth grade students takes algebra, compared with more than one in four of their White peers.⁶ Among 17-year-olds, only 8% of Hispanics and 4% of Blacks have taken precalculus or calculus, compared with 15% of Whites.⁷ In Massachusetts, a state with a standards-based reform system in place, Latino students are seldom enrolled in math classes that place them on course to pass the math portion of that state's high school exit exam. For example, in 1999, only 37% of Latino students in the Boston school district were enrolled in "grade-level" math classes,* compared with 62% of White students.⁸

* The term "grade-level" courses is used to describe those courses that would prepare students to take more advanced work later in their school careers. For example, students should take pre-algebra by eighth grade in order to be prepared for algebra in ninth grade and more advanced courses in higher grades.

- **Unqualified Teachers.** If students are to meet more challenging academic benchmarks, they must have access to high-quality instruction. Yet, minority students are more likely than White students to be in schools with unqualified, often ineffective teachers. About two-thirds of Latino, African American, and Native American eighth-grade math students have teachers who do not have an undergraduate degree in mathematics, compared with half of all White students.⁹

- **Ineffective Parent Involvement Strategies.** There is agreement that parent participation is important to ensure the success of reform efforts.¹⁰ Given that Latino students are concentrated in low-performing schools that will be required to raise standards, Latino parents and communities should especially be included in the development of standards-based reforms. Unfortunately, there is not a good track record in this regard. In fact, although 96% of Americans with school-aged children believe that parents should be familiar with the academic standards in their children's schools, only 38% of Latino parents believe that schools are adequately providing this information.¹¹ Latinos and African Americans particularly believe that parents should be in a position to understand standards and hold schools accountable. For example, 83% of Latinos and 90% of African Americans strongly believe that parents should be able to compare local academic standards to national recommendations, compared with 74% of Americans overall.¹²

INAPPROPRIATE USE OF ASSESSMENTS

Tests are the principal method by which educators assess student knowledge and progress, and the standards-based reform movement clearly prescribes a significant role for tests. Proponents of large-scale testing argue that more rigorous exams will lead to more challenging curricula and will force schools to improve services to minority and economically-disadvantaged students.¹³ In addition, they believe that test results can provide data to parents, teachers, and policy-makers showing whether or not schools are helping students improve academically.¹⁴ As noted above, the NCLB would require states and school districts to rely on various tests to a greater extent than under the previous ESEA to measure whether or not students are meeting new standards.

Although there should be a role for assessments in school reform, skeptics of test-driven reforms believe that tests must be used appropriately and not be viewed as the sole measure of student achievement.¹⁵ In addition to general concerns with test design, such as validity and reliability, specific issues with assessments related to the education of Latinos include test inaccuracy, test misuse, and weakened instructional services. As state education departments and school districts plan to implement testing systems, advocates and educators should urge them to consider these issues that can reduce the effectiveness of assessments in improving educational outcomes for Latinos.

- **Test Inaccuracy.** Some standardized tests may not effectively assess student aptitude and achievement, especially those

Glossary of Assessment Terms

- ▶ **Achievement tests** measure a student's attainment of specific knowledge, abilities, and skills (e.g., a classroom spelling test measures a student's ability to spell specific words).
- ▶ **Aptitude** is a combination of characteristics, whether innate or acquired, that are indicative of a student's ability to learn or to develop proficiency in some particular area if appropriate education or training is provided. Aptitude tests include those of general academic (scholastic) ability; those of special abilities, such as verbal, numerical, mechanical, or musical; and tests assessing "readiness" for learning.
- ▶ **Criterion-referenced tests** describe the skills or performance that the student demonstrates. These tests are designed to compare a student's test performance to clearly defined learning tasks or skill levels (e.g., the student can add and subtract decimals, but not fractions).
- ▶ **Diagnostic tests** describe the strengths and weaknesses of a student, and the nature of these strengths and weaknesses. They can be used to develop instructional programs for students (e.g., such a test can help determine that a child is weak in subtraction, therefore a program to improve the child's skills in this area can be designed).
- ▶ **Gatekeeping tests** are used to determine whether a student will be promoted or retained in grade, or whether or not a student will be allowed to graduate from high school.
- ▶ **High-stakes tests**, including gatekeeping tests, result in significant consequences for students or for schools (e.g., tracking, grade promotion, and graduation are consequences for students, while financial rewards or loss of accreditation are consequences for schools).
- ▶ **Norm-referenced tests** are designed to compare a student's test performance to that of other students. The results are reported in percentile rankings (e.g., a student with a percentile rank of 80 scored equal to or better than 80% of his classmates).
- ▶ **Performance assessments** require students to create an answer or a product that demonstrates his/her mastery of clearly defined learning tasks or skill levels (e.g., written essays, portfolios, or oral exams).
- ▶ **Standardized tests** are administered and scored under conditions uniform to all students. In addition to multiple-choice tests, oral and essay exams can be standardized measures.
- ▶ **Test reliability** refers to the consistency of test results for an individual student and whether or not one can generalize from these results (e.g., if a student scores well on an exam, but obtains a much lower score the following week on the same exam, then the test may lack reliability).
- ▶ **Test validity** refers to whether or not a test measures what it is designed to measure (e.g., a math test administered in English to students with limited English proficiency may not accurately measure math skills).

Sources: Cizek, Gregory J., "Filling in the Blanks: Putting Standardized Tests to the Test," Fordham Report, Volume 2, Number 11, Washington DC, October 1998; Olson, John F., and Arnold A. Goldstein, *The Inclusion of Students with Disabilities and Limited English Proficient Students in Large-Scale Assessments*, National Center for Education Statistics, U.S. Department of Education, Washington, DC, July 1997; U.S. Congress, Office of Technology Assessment, *Testing in America's Schools: Asking the Right Questions*, Washington, DC: U.S. Government Printing Office, 1992.

of ELLs. The National Research Council (NRC) indicates in a report on high-stakes testing that some test scores may be more directly linked to the quality of teacher instruction than to student ability.¹⁶ In the same report, the NRC found that ELLs are even more likely to receive inaccurate scores, concluding that "when students are not proficient in the language of assessment (in this case, English), their scores on a test will not accurately reflect their knowledge of the subject being assessed (except for a test that measures only English proficiency)."¹⁷

- ▶ **Inappropriate Educational Treatments.** Test results can sometimes be used to make decisions about children which do more harm than good. For example, high-stakes testing often results in negative educational outcomes, such as increased grade retention and dropout rates.¹⁸ These "educational treatments" are being made based on test results, even though the research shows that decisions such as tracking, grade promotion or retention, and graduation should not be made solely on the results of standardized tests.¹⁹ Educators must consider that low test scores for Latino, ELL, and other students may not be an accurate measure of a student's ability to master the curriculum, but may be directly tied to ineffective instruction or lack of

proficiency in English. Moreover, Latinos are more likely than Whites to attend schools with inexperienced, ineffective teachers and less likely to have access to rigorous, properly aligned curricula. These factors may help to explain low Latino test scores, which may be misused to retain students in grade, deny them high school diplomas, or assign them to lower tracks or less rigorous education programs.

- ▶ **Watered-Down Curricula.** "Over-testing" may actually water down curricula and place restrictions on pedagogy. Using a test to drive instruction involves teachers providing students with instruction related to information and concepts contained in tests, without using test questions. However, evidence is emerging that some schools are "teaching to the test"^{*} rather than providing students with the full range of the curriculum promised by standards-based reform proponents. Many administrators, policy-makers, and teachers are under enormous pressure to make sure that their students score well on exams. To achieve this, they are spending more class time on test preparation, at the expense of quality teaching and learning. As a result, although they may pass their exams, these students may not have the academic skills necessary to succeed in college.²⁰

* "Teaching to the test" refers here to focusing classroom instruction on the format, content, and style of a test, in order to achieve favorable results. This does not always result in mastery of skills, content, or analytical thinking.

RECOMMENDATIONS: GETTING STANDARDS- BASED REFORM RIGHT FOR HISPANIC STUDENTS

There is support in the Latino community for setting high expectations within the context of a *comprehensive* approach to standards.

Specifically, standards should be applied to everyone involved in the education of children – not just imposed on students. School district administrators, principals, teachers, parents and families, as well as students are responsible for all students' performances and outcomes. In order for standards-based reform to have a positive impact on Latino educational outcomes, educators and advocates should hold state- and local-level policy-makers and administrators accountable for putting the following elements in place:

• **Equitable Resource Distribution.**

Prior to instituting a standards-based reform regime, policy-makers must ensure that all children, especially disadvantaged students, are provided the resources necessary to receive a high-quality education and a meaningful opportunity to learn. This is especially true in states with large numbers of Latino students. Unfortunately, some states with schools serving large numbers of poor and minority students have failed to provide these schools with the funding needed to help students meet tougher state standards.²¹ State funding formulas should

not be developed in a vacuum. Instead, policy-makers should consider that some students have been deprived of equitable opportunities for their entire school careers, which may explain why they are at the low end of the achievement gap. Thus, state funding formulas should be designed to provide extra assistance to schools serving these students.

• **Alignment of Curricula and Instruction with Standards and Assessments.**

There must be consonance among the various elements of school reform. The curriculum must be aligned with the standards to ensure that students are prepared to meet higher performance benchmarks. Similarly, the assessments used to measure student performance must be aligned with the curriculum to ensure that they accurately measure student learning. Appropriate instructional materials must be available to all students who will be subjected to more challenging performance standards. For example, states with new science standards should ensure that all schools have properly-equipped laboratories. Teachers must also be allowed the time and provided the resources to learn the new curriculum and adjust their pedagogy if necessary. Policy-makers and administrators must provide adequate funding – and set aside time – for alignment of the standards-based reform components, as well as for professional development activities.

► **A High-Quality Teacher Corps.**

School administrators must provide the most needy students with the best instruction. Specifically, administrators must assign the most effective teachers to schools where low-income and minority students attend, particularly where there are large numbers of ELLs. Policy-makers must provide incentives for those who teach in these schools, including equalizing urban and suburban teacher salaries, college loan forgiveness, and ongoing professional development and support. In addition, institutions that prepare teachers, especially teachers who will work in Latino-serving schools, should ensure that pre-service preparation and in-service training evolve from the content standards dictated by reform. In this way, teachers will have the skills to teach the new curriculum to Latino students and make good use of test results.

- **Appropriate Test Use.** Policy-makers and administrators must understand that a test used to lead the curriculum or to hold schools accountable should not be used to make high-stakes decisions about students, and that a test of student mastery may not be appropriate for system accountability. Moreover, they should understand that test results might not always provide precise and conclusive evidence of student mastery.²² Thus, policy-makers and administrators should ensure that tests are used only for the specific purpose for which they were designed.

► **Utilization of Multiple Measures of Student Performance for Making High-Stakes Decisions.**

Policy-makers and administrators should devise state and district accountability systems that do not rely on a single test. Important decisions, such as grade retention and promotion, tracking, and graduation, should not be made solely on the basis of test results, but should take into account multiple sources of information about students, such as classroom grades, teacher and parental input, child development, and school attendance. Moreover, administrators must ensure that such decisions provide educational benefits for students. For instance, because grade retention has been shown to lead to dropping out of school, and Latinos are often retained in grade and drop out at a high rate, school leaders must be certain that high-stakes tests are used to reverse these trends rather than contribute to them.²³

► **Fair Treatment of Special**

Populations. School districts may have an incentive to exclude ELLs and children with disabilities from exams in an effort to artificially inflate district- and school-level student test scores. Therefore, policy-makers and administrators should require that all students are included in assessments, including students in alternative and charter schools, and that reasonable accommodations are provided where necessary for students with special needs.

► **Supportive School Organization and Culture.**

Latino and other minority children often attend schools in which the environment itself is a barrier to learning. For example, in 1999, Latino and African American public high school students were more likely than White students to report that there were gangs in their schools and that they feared being attacked in school.²⁴ To give these students optimum chances to learn, policy-makers and administrators should ensure that schools have enough physical space to accommodate all their students safely, including reducing school and class size, and the school culture should foster learning and demonstrate concern for students' well-being, including promoting respect for diversity and protecting students from discrimination.²⁵

► **Active Parent and Community Participation.**

Although most school reform advocates agree that parents and communities should be more involved in helping students improve test scores, school districts and schools have not done enough to ensure this. In tandem with a standards-based system, policy-makers and administrators should provide information in a language that is easily understood to parents and community members explaining, at least:

- Whether or not assessments are aligned with standards, curriculum, and pedagogy
- How test results will be used to improve instruction and learning

- Individual student scores
- School- and district-wide scores disaggregated by race, ethnicity, socioeconomic status, language status, gender, and migrant status
- How parents and community members can help improve student performance²⁶

Once this information is made available, educators and advocates must work with parents to fill other knowledge gaps about the school system and the NCLB. The NCLB creates a new Local Family Information Centers (LFICs) program that can help community-based organizations (CBOs) fill this role. The LFICs program would provide grants to CBOs that inform parents about important education issues, including state standards, assessments, and accountability mechanisms. The LFICs can, therefore, prepare parents to hold schools accountable for closing the achievement gap.

State- and locally-based educators and advocates can also make sure that important elements of the NCLB work. Specifically, advocates should:

- **Urge their Congressional representatives and the Bush Administration to provide the resources necessary to make the NCLB workable at the state and local levels.** The debate on the NCLB took place during a period in which states began to experience budget shortfalls, after nearly a decade during which state coffers were relatively robust. The NCLB testing and accountability provisions require a significant investment not just in test development and administration, but also

in teacher training, particularly as it relates to ELLs. Thus, it is unlikely that the public schools will meet the requirements of the NCLB unless Congress and the Bush Administration provide sufficient funding to implement the reforms contained in the legislation.²⁷

D Shape NCLB Implementation.

Educators, advocates, and policy-makers should understand how they can shape implementation of the NCLB. Specifically, they should participate in the development of state education department plans to:

- Serve ELL and other students at the low end of the test-score gap
- Recruit and place qualified teachers in schools serving these students
- Put in place assessment and accountability systems that are used to improve teaching and learning, not to punish students and teachers

- D Monitor NCLB Implementation.** The NCLB includes provisions to enhance community involvement in school reform. For example, the NCLB requires states and school districts to create report cards showing whether or not students are making progress toward meeting state achievement standards. Educators and advocates should monitor these report cards and provide this information to parents and families of Latino students.

The NCLB also authorizes LFICs and allows community-based organizations (CBOs) to provide after-school services under the 21st Century Community Learning Centers (21st Century) program.^{*} Educators and advocates should urge their Congressional representatives to fund the LFICs program adequately. In addition, they should make sure that state departments of education give CBOs a fair portion of 21st Century funding.

CONCLUSIONS

Congress and the Bush Administration have raised the bar on standards-based reform. There is no question that the NCLB's testing and accountability requirements will affect public education for the next decade, and that this will pose challenges for educators and advocates concerned about equity for Latino students and families. However, the chief responsibility for implementing the NCLB lies with state education departments and local school districts. While the NCLB is intended to close the achievement gap that exists between economically-disadvantaged and minority children and their more affluent and nonminority peers, the legislation provides state and local education agencies with a degree of latitude regarding how they will attempt to close the gap. Thus, the advocacy challenge has moved to a large degree from the U.S. Congress to state capitols and local school boards.

^{*} The 21st Century program provides funds to states for after-school services. States then grant funds to school districts and CBOs that provide these services.

NCLR remains concerned that Congress and the Administration will not provide sufficient resources to support the mandates contained in the NCLB, and that some state- and local-level policy-makers and administrators will make decisions that harm Latino students. However, NCLR is optimistic that informed educators

and advocates will be in a position to leverage the NCLB to improve schooling for Latinos. We hope that this series of issue briefs will provide information that educators and advocates find useful to ensure positive educational outcomes for Latino students.

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14. See *No Child Left Behind Blueprint*, U.S. Department of Education website: <http://www.ed.gov/offices/OESE/esea/nclb/part3.html>.
15. See August 11, 2000, Letter from the Leadership Conference on Civil Rights to Norma V. Cantu, Assistant Secretary, Office for Civil Rights, U.S. Department of Education, providing comments on *The Use of Tests When Making High-Stakes Decisions for Students: A Resource Guide for Educators and Policy-makers*.
16. Heubert, Jay P. and Robert M. Hauser, *High Stakes: Testing for Tracking, Promotion, and Graduation*, National Research Council, Washington DC: National Academy Press, 1998.
17. *Ibid.*
18. Clarke, Marguerite, et al., *High Stakes Testing and High School Completion*, Chestnut Hill, MA: The National Board on Educational Testing and Public Policy, Boston College, January, 2000.

19. *High Stakes*, *op. cit.*
20. Kato, Barbara, "Testing Focus Distorts Teaching," *Catalyst*, September 1998; and McGinn, Daniel, et al., "The Big Score," *Newsweek*, September 6, 1999.
21. For example, see www.edlawcenter.org and www.cfequity.org for information on school finance equity litigation in New Jersey and New York, respectively. In both states, the implementation of standards-based reform led to favorable court decisions requiring a shift in state funding practices to provide increased funding to low-income school districts. Note: The New York State case was overturned on June 25, 2002.
22. *High Stakes*, *op. cit.*
23. *Ibid.*
24. National Center for Education Statistics, *Indicators of School Crime and Safety*, 2001, Washington, DC: U.S. Department of Education, 2001.
25. Schwartz, Wendy, *Opportunity To Learn Standards: Their Impact on Urban Students*, Washington, DC: U.S. Department of Education, ERIC/CUE Digest Number 110, ERIC Clearinghouse on Urban Education, 1995.
26. "Assessment as a Tool," *op. cit.*
27. See *Analysis of President's FY 2003 Budget Plan*, Washington, DC: National Council of La Raza, March 2002.

For more information on the NCLB Act, Standards, and Education Policy, visit the following websites:

National Council of La Raza
NCLR (www.nclr.org)

National Association for Bilingual Education
www.nabe.org

Citizen's Commission on Civil Rights
www.cccr.org

Leadership Conference on Civil Rights
www.civilrights.org

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